

# **CRIMINAL CASES**

**ADMINISTRATIVE PROCEDURE FOR FILING,  
SIGNING, AND VERIFYING PLEADINGS AND  
PAPERS BY ELECTRONIC MEANS  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
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**I. THE ELECTRONIC FILING SYSTEM**

**A. IN GENERAL.** No matter when a case was originally filed, all documents<sup>1</sup> submitted for filing in criminal cases in this district after January 6, 2003, shall be filed electronically using the Electronic Filing System ("System") or shall be scanned<sup>2</sup> and uploaded to the System,<sup>3</sup> unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge. Documents may also be submitted for filing to the Clerk's Office on CD-ROMs if saved as .pdf ("Portable Document Format") files.<sup>4</sup>

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<sup>1</sup>The requirement that "all documents" be filed electronically includes briefs, exhibits, attachments, transcripts of proceedings, and deposition transcripts used in support of motions or at trial.

<sup>2</sup>The filing party is responsible for the legibility of the scanned document. When scanning documents to be subsequently filed electronically, filing parties should make certain their scanners are configured for 200 dpi and black and white rather than color scanning. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk's Office.

As used in these administrative procedures, a "conventionally" filed or submitted document or pleading is one presented to the court or a party in paper or other non-electronic, tangible format.

Because large documents and documents with graphics may not upload properly to the System or download within a reasonable amount of time for users with a 56K modem, the System will reject documents over three megabytes. Lengthy documents or documents with extensive graphics must be filed in smaller segments, each no larger than three megabytes.

<sup>3</sup>"Electronic filing" means uploading a pleading or document directly from the registered user's computer, using the court's Internet-based System, to file that pleading or document in the court's case file. Sending a document or pleading to the court via e-mail does not constitute "electronic filing."

<sup>4</sup>A document created with almost any word-processing program can be converted to .pdf. The .pdf program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on .pdf, users may visit the web sites of .pdf vendors.

1. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, however, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.
2. An attorney who willfully or negligently fails to register as a System participant or as a registered attorney fails to electronically file documents in the attorney's cases before the court will be ordered to show cause why the court should not impose sanctions.
3. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

**B. PUBLIC ACCESS TO THE SYSTEM.**

1. Public remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system, <http://www.pacer.psc.uscourts.gov>. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information,

such as docket sheets and filed documents, but excluding written opinions, review of calendars and similar general information.<sup>5</sup>

2. Electronic access to the electronic docket and documents filed in the System is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.
3. Juvenile criminal matters will not be remotely accessible to the public and will not be available at the public terminals in the Clerk's Office even if the court subsequently rules that the juvenile shall be tried as an adult.
4. A case filed under seal will be placed on the System, but will not be remotely accessible to the public and will not be available at the public terminals in the Clerk's Office unless the court orders the case unsealed.

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<sup>5</sup>Beginning January 1, 2005, non-judiciary CM/ECF users will be charged a fee of eight cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document (\$2.40) is in place. The fee for viewing multi-case reports and transcripts will be based on the actual number of pages; no page limit exists. When a registered user receives a Notice of Electronic Filing that a transcript has been filed, the notice will state: "You will be charged for viewing the referenced documents according to the total number of pages; the usual 'free look' and 30 page limit does not apply." The user will be prompted for a PACER login and password and a PACER billing screen is displayed showing how much the user will be billed.

The access fee does not apply to official recipients of electronic documents, *i.e.*, parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged eight cents per page.

The E-Government Act of 2002 requires federal courts to make available to the public in a "text searchable format" the substance of all "written opinions." The Judicial Conference defines a written opinion as "any document issued by a judge or judges sitting in that capacity that sets forth a reasoned explanation for a court's decision."

5. Because of their sensitive nature, certain documents filed in criminal cases will be always be sealed, *i.e.*, they will not be remotely accessible and will not be available at the public terminals in the Clerk's Office. The list of these documents can be found on the court's web page, <http://www.ned.uscourts.gov/cmecf/index.html>, "Sealed Document List."
6. Because certain other documents filed in criminal cases contain personal identifying information protected by the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (codified at 5 U.S.C. §§ 3701-3707 and scattered sections), remote access to these documents will be restricted to counsel of record and court users. In addition, public access to these documents will not be allowed at terminals in the Clerk's Office. The list of these documents is on the court's web page, <http://www.ned.uscourts.gov/cmecf/index.html>, "Sealed Document List."
  - a. The names of these restricted documents will appear as entries on the court's docket sheet along with notation, "The PDF document is sealed pursuant to the E-Government Act. Access is limited to counsel of record and the court."
  - b. Public access to a document restricted pursuant to the E-Government Act of 2002 will be permitted only upon motion and order. If granting the motion, the court may allow access

only to a redacted version of the document and may also direct the parties to electronically file an unsealed redacted version.

- C. For additional information about redacting documents containing personal identifying information, see the “Privacy” section below, [II\(I\)](#).

7. Conventional copies and certified copies of electronically-filed documents may be purchased at the Clerk’s Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

**C. PASSWORDS.**

1. Attorneys.

- a Each attorney admitted to practice in the District of Nebraska shall be entitled to one System password from the District Court. The password permits the attorney to electronically file and retrieve (through PACER) pleadings and other documents.
- b. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office. If an attorney comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney must change the password immediately.
- c. Once registered, the attorney shall be responsible for all documents filed with his or her password.
- d. Registration for a password is governed by Paragraph [I\(D\)](#).

- e. An attorney admitted pro hac vice must register for a password in accordance with these Administrative Procedures.

2. Pro Se Parties.

- a. A pro se party to a pending criminal action, *i.e.*, one who is not represented by an attorney, may register to use the system solely for purposes of the action. The pro se party will be assigned a password permitting the pro se party to electronically retrieve and file pleadings and other papers in the action.
- b. Registration for a password is governed by Paragraph I(D).
- c. By registering to use the System, the pro se party consents to electronic service of all documents as provided in these administrative procedures and in accordance with the Federal Rules of Civil Procedure.
- d. If, during the course of the action, the pro se party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk's Office to terminate the party's registration upon the attorney's appearance.

**D. REGISTRATION.**

- 1. To file electronically, an attorney or pro se party must complete and sign a registration form. The form is available on the court's web site at <http://www.ned.uscourts.gov>.
  - a. The court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the



requirements in Nebraska Local General Rule 1.7(d), including timely payment of the annual assessment imposed in Nebraska Local General Rule 1.7(h).<sup>6</sup>

2. All signed registration forms must be mailed or delivered to the United States Courts, 111 So. 18th Plaza, Suite 1125, Omaha, Nebraska 68102.
3. Upon receiving a completed registration form, the Clerk's Office will either mail password information to the attorney or pro se party by regular, first-class mail, or the attorney or pro se party may arrange to pick up the password at the Clerk's Office.
4. Once registered, an attorney or pro se party may withdraw from participating in the System by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to United States Courts, 111 So. 18th Plaza, Suite 1125, Omaha, Nebraska 68102. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney or pro se party's name from any applicable electronic service list.
  - A. An attorney may not circumvent the court's mandatory electronic filing rule simply by withdrawing from participation in the System; withdrawal will not be construed as authorization to file cases or documents conventionally.

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<sup>6</sup>Attorneys employed by a governmental entity are exempt from paying this annual assessment. NEGenR 1.7(h).

5. After registering and receiving a password from the Clerk's Office, attorneys or pro se parties may change their own passwords whenever they choose by using the "Maintain Your Account" utility on the System.
6. An attorney whose e-mail address, mailing address, telephone number, or fax number has changed from that of the original registration form must update this information on the System by using the "Maintain Your Account" utility.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING.**

1. All charging documents (including the complaint, information, and indictment), motions, applications, briefs, attachments, exhibits, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a criminal case shall be electronically filed on the System except as otherwise provided by these procedures.
2. E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Criminal Procedure until the filing party receives a System-generated "Notice of Electronic Filing" described in [II\(B\)1](#) of these procedures.
3. A document will be deemed timely filed if filed prior to midnight Central Standard Time (or Central Daylight Time, if in effect).

However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.

4. If a document requires leave of the court, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in [II\(A\)5](#) below. If the court grants the motion, the order will direct the attorney to file the document electronically with the court.
5. Attachments and exhibits larger than three megabytes should be divided into separate segments, each no larger than three megabytes. Each segment is then filed as an attachment. The contents of each segment must be described using the System-generated prompt box.
6. The Clerk's Office will not maintain a paper court file in any case begun after the effective date of these procedures except as otherwise provided in these procedures or required by law. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court. The official record shall include, however, any conventional documents filed in accordance with these procedures.

- a. While the Clerk's Office will not discard original indictments, petitions to enter plea of guilty, plea agreements, or other original documents with third-party signatures brought to the Clerk's Office for filing, these paper documents are not part of the official record of the court after they are scanned and uploaded to the System.<sup>7</sup>
  - b. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to the System may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.
6. Transcribers and Contract Court Reporters. In addition to submitting to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable, a transcriber or contract court reporter must also either file the certified transcript of those proceedings electronically on the System or submit to the Clerk's Office for uploading to the System a CD-ROM containing the certified transcript of the proceedings in

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<sup>7</sup>As of the date of this revision, the court anticipates that the Judicial Council will shortly decide that most paper documents brought to the Clerk's Office for filing may be discarded after uploading to the System. If the Judicial Council adopts this position, this court will immediately begin discarding such documents without amendment to these Administrative Procedures.

If a filer believes an original document has some intrinsic value, the filer is encouraged to retain the original document in his or her files and submit to the Clerk's Office for scanning and uploading a copy of the document with faxed or photocopied signatures.

.pdf format. A transcriber or reporter will not receive payment until he or she has returned to the Clerk's Office the tape of a proceeding and notes, if applicable, and either filed a certified transcript electronically or submitted it to the Clerk's Office on CD-ROM.<sup>8</sup>

## **B. SERVICE.**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a "Notice of Electronic Filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case,<sup>9</sup> and the assigned judge if he or she has elected to receive notice.
  - a. If the recipient is a registered participant in the System, the System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

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<sup>8</sup> As of the date of this revision, the court is participating in a pilot project being conducted by the Administrative Office of the United States Courts regarding the electronic availability of civil and criminal transcripts. The pilot project limits remote public access to transcripts during the first five days after they are filed on the System. During those five days, counsel of record may review a transcript at a public terminal at the courthouse or remotely via PACER to determine if the transcript contains specific personal data identifiers that must be redacted before the transcript becomes remotely accessible to the public. If it does, counsel of record must file a "notice of intent to file redaction," followed by a "redaction request" directing the reporter to redact personal data identifiers from the transcript. The court reporter redacts the information, then electronically files the redacted transcript. The redacted transcript thereafter becomes remotely available electronically. If counsel of record does not file the notice of intent to redact or fails to provide the court reporter with the data to be redacted, the transcript will become remotely available electronically. For additional information of the pilot project, consult the court's web page, [http://www.ned.uscourts.gov/fpo/bar\\_notice\\_pilot\\_tn\\_proj.pdf](http://www.ned.uscourts.gov/fpo/bar_notice_pilot_tn_proj.pdf).

<sup>9</sup>To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

- b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in the System may be accomplished by e-mail, subject to the additional service requirements of [II\(B\)3](#) below.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party entitled to service or notice. Sample language for a certificate of service is attached to these procedures as [Form A](#).
3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically-filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. The three-day rule of Federal Rule of Criminal Procedure 45(e) for service by mail shall also apply to service by electronic means.<sup>10</sup>
5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to the System must serve conventional

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<sup>10</sup>Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means, such as e-mail or fax.

**C. SIGNATURES.**

1. Non-Attorney Signature, Generally. If the original document requires the signature of a non-attorney, the filer may scan and upload the signed document to the System. Alternately, the filer may electronically file the document with the non-attorney signature or signatures represented by an “s/” and the name typed in the space where the signature or signatures would otherwise appear.
  - a. The electronically-filed document as it is maintained on the court’s servers shall constitute the official version of that record.
  - b. The filer must maintain the original signed document in paper form until all time periods for appeal have expired. At the court’s request, the filer must provide the original document for review.
  - c. A non-filing signatory or party who disputes i) the authenticity of an electronically-filed document with a non-attorney signature, or ii) the authenticity of the signature on that document must file an objection to the document within five days of receiving the Notice of Electronic Filing.

2. Attorney Signature. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on CD-ROM to the Clerk's Office: "s/ (attorney name) ."

- a. The correct format for a signature is as follows:

**s/ Judith Attorney**

Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

Omaha, Nebraska 68000

Telephone: (402) 123-4567

Fax: (402)123-4567

E-mail: judith\_attorney@law.com

- a. Any party challenging the authenticity of an electronically-filed document or the attorney's signature on that document must file an objection to the document within five days of receiving the Notice of Electronic Filing.

3. Multiple Signatures.

- a. Documents requiring signatures of more than one party must be electronically filed either by i) submitting a scanned document containing all necessary signatures; ii) representing the consent of the other parties on the document; iii) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or iv) in any other manner approved by the court.



- b. A non-filing signatory or party who disputes the authenticity of an electronically-filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within five days of receiving the Notice of Electronic Filing.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

**E. ORDERS.**

1. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Federal Rules of Criminal Procedure 49 and 55. The Court or court personnel will electronically file all signed orders. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
2. Proposed orders may be submitted as outlined below.

- a. In accordance with Nebraska Local Criminal Rules 12.2 and 12.3(b), a moving party, after filing a motion for which no supporting brief is required, shall submit to the judge a proposed order granting the motion and setting forth the requested relief. The proposed order should be e-mailed to the assigned judge at the address listed in [2\(e\)](#) below.
- b. Electronically submitted proposed orders may not be combined with the motion into one document. The motion must be docketed prior to submitting the proposed order to the judge, and the proposed order must refer to the resulting docket entry number for the motion.
- c. A filing party moving for issuance of a writ, warrant, summons, or subpoena should advise the judge that a prompt ruling is required, and attach the writ, warrant, summons, or subpoena in .pdf format to the proposed order (if one is needed). A motion to file documents under seal shall be made in the manner specified in [III\(A\)](#) of these administrative procedures.
- d. All proposed orders must be submitted in a format compatible with WordPerfect, which is a “Save As” option in most word processing software. Judges will not accept proposed orders in .pdf format.

- e. A proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge.<sup>11</sup> The subject line of the e-mail must identify the case name and number. The judges' e-mail addresses are as follows:

[bataillon@ned.uscourts.gov](mailto:bataillon@ned.uscourts.gov)

[kopf@ned.uscourts.gov](mailto:kopf@ned.uscourts.gov)

[shanahan@ned.uscourts.gov](mailto:shanahan@ned.uscourts.gov)

[smithcamp@ned.uscourts.gov](mailto:smithcamp@ned.uscourts.gov)

[strom@ned.uscourts.gov](mailto:strom@ned.uscourts.gov)

[urbom@ned.uscourts.gov](mailto:urbom@ned.uscourts.gov)

[gossett@ned.uscourts.gov](mailto:gossett@ned.uscourts.gov)

[piester@ned.uscourts.gov](mailto:piester@ned.uscourts.gov)

[thalken@ned.uscourts.gov](mailto:thalken@ned.uscourts.gov)

3. If a judge enters an order during a hearing, copies of the order will be distributed electronically after the hearing, either as a text-only order (see (5) below) or as a separate .pdf document.
4. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

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<sup>11</sup> In sealed matters, filers should not e-mail proposed orders because Internet e-mail is not secure; instead, filers should submit sealed proposed orders to the judge in paper form.

5. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

**F. TITLE OF DOCKET ENTRIES.** The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>12</sup>

**G. CORRECTING DOCKET ENTRIES.**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk’s Office. The System will not permit the filing party to make changes to the documents or docket entry filed in error once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong .pdf file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to re-file the document.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk’s Office with the case number and document number for which the correction is being requested. Depending on the type of error, the Clerk’s Office will either make an entry indicating that

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<sup>12</sup>Readers may view the “CM/ECF Criminal Menu for Attorneys” on the court’s web site, <http://www.ned.uscourts.gov/cmecf/index.html>.

the document was filed in error or seek an order to strike from the assigned judge. The filing party will be advised *if* the document needs to be re-filed.

**H. TECHNICAL FAILURES.** A filing party whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

**I. PRIVACY.** To address the privacy concerns created by Internet access to court documents, litigants are expected to modify or partially redact certain personal data identifiers appearing in pleadings or documents filed electronically. See E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (codified at 5 U.S.C. §§ 3701-3707 and scattered sections).

1. Mandatory Redaction. In criminal cases, the following personal data identifiers must be excluded or redacted from all filed documents, whether paper or electronic, including exhibits.

- a. Minors' names: Use the minors' initials;
- b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. Social Security numbers: Use only the last four numbers;
- d. Dates of birth: Use only the year;
- e. Home addresses: Use only city and state; and
- f. Other data as permitted by order of the court.

2. Discretionary Redaction. In addition, the filing party may omit or, where inclusion is necessary, partially redact the following confidential information from all filed documents and exhibits, unless the assigned judge orders otherwise.
  - a. Personal identifying numbers, such as driver's license numbers;
  - b. Medical or psychological records, evaluations, treatments, and diagnoses;
  - c. Employment history;
  - d. Individual financial information;
  - e. Proprietary or trade secret information;
  - f. Information which may identify an individual cooperating with the government;
  - g. Information regarding the victim of any criminal activity;
  - h. National security information; and
  - i. Sensitive security information as described in 49 U.S.C. § 114(s).
3. Unredacted Documents Filed Under Seal. With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed above.
  - a. The party seeking to file an unredacted document must electronically file a motion or application to file the document

under seal pursuant to the E-Government Act of 2002 and e-mail a proposed order to the chambers of the assigned judge.

- b. If the assigned judge grants the motion or application, the filing party shall then submit the unredacted paper document to the Clerk's Office. The Clerk's Office will then scan and upload the document to the System under seal.
- c. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for public access.

D. Responsibility for Redaction. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents containing personal identifiers, whether filed electronically or on paper.

**J. HYPERLINKS.** Only two types of hyperlinks are permitted in electronically-filed documents: hyperlinks to other portions of the same document, and hyperlinks to a location on the Internet that contains a source document for a citation.

- 1. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered

part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

2. The court accepts no responsibility for and does not endorse any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

**III. CONVENTIONAL FILING OF DOCUMENTS.** The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these electronic filing procedures. All bound documents submitted to the Clerk's Office should be two or three-hole punched. The filing party must serve conventional copies on all other parties to the case.

**A. DOCUMENTS TO BE FILED UNDER SEAL.** A party seeking to file a document under seal for reasons other than the E-Government Act of 2002 may electronically file the motion or application to seal or may instead present a paper motion to the chambers of the assigned judge. The filing party must also e-mail or present a proposed order to the assigned judge. If the assigned judge grants the motion or application, the judge will electronically enter the order authorizing a filing of documents under seal. The judge may also direct that the order be sealed. The filing party shall then deliver the documents to the Clerk's Office for scanning and uploading to the System under seal.



**B. UNREGISTERED PRO SE FILERS.** A pro se party who elects to not become a registered user of the System must file paper originals of all complaints, pleadings, motions, affidavits, briefs, attachments, exhibits, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute.

1. The pro se filer's original signature must appear on every document which by law must be signed; pro se filers are not permitted to use the "s/" designation.
2. The Clerk's Office will scan these original documents and upload them into the electronic case file on the System.

#### **IV. EVIDENCE AND EXHIBITS.**

**A. Filed Electronically.** Unless a filer has the court's prior permission to file conventionally, the party must file exhibits and attachments electronically.

**B. Excerpts.** A filer must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filers who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that

they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

**C. Index of Evidence.** Evidence in support of a motion shall be identified on an electronically-filed index of evidence. The index of evidence must identify the motion to which it relates. The evidence itself shall be uploaded to the System as attachments to the index of evidence in the manner described below.

**D. Scanned Documents.** The filer should electronically image, *i.e.*, “scan,” evidentiary materials that were not electronically generated into .pdf files that are no larger than three megabytes. Electronically-generated evidentiary materials should also be placed in .pdf files no larger than three megabytes.

1. Because documents scanned in color or containing graphics take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.

2. The filer is required to verify the readability of scanned documents before filing them electronically with the court.

**E. Paper Documents.** If the court grants a party leave to submit evidentiary materials in paper, the party shall also file in paper an index of evidence listing each item of evidence then being filed and identifying the motion to

which it relates. The party shall serve copies of conventionally-filed supporting materials on other parties as if not subject to electronic filing procedures.

**FORM A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**SAMPLE FORMATS - CERTIFICATE OF SERVICE**

Sample A

I hereby certify that on \_\_\_\_ (Date) \_\_\_\_, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: \_\_\_\_\_.

s/ \_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Law Firm Fax Number  
Attorney's E-mail Address

Sample B

I hereby certify that on \_\_\_\_ (Date) \_\_\_\_, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: \_\_\_\_\_.

s/ \_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Law Firm Fax Number  
Attorney's E-mail Address